

REMARKS

During the Examiner's Interview conducted April 9, 2003, the Examiner indicated that the prior art rejection of then-pending claim 5 would be reconsidered if Applicant submitted a final version of claim 5. (See Interview Summary mailed April 14, 2003). Subsequently, in its Response to Second Official Action dated April 17, 2003, Applicant cancelled claim 5 and submitted an amended version of claim 1 (from which claim 5 depended) that included substantially all of the subject matter of claim 5. This, the Examiner asserted in the Advisory Action mailed May 9, 2003, changed the scope of the original claims, and required additional searching. Finally, in its Response to a second Advisory Action dated May 14, 2003, Applicant attempted to submit an amended version of claim 1 that precisely included all of the subject matter of original claim 5.

In the third Advisory Action mailed June 19, 2003, the Examiner again refused to reconsider claim 1 because it is not identical to previously submitted claims 1 and 5. The Examiner is correct in this observation. The last version of claim 1 erroneously included the phrase "first predictive factor" in line 8. This typographical error is eliminated from amended claim 1 submitted herein.

Also, the last version of claim 1 replaced the word "predictor" with the word "predictive" in two places (i.e., lines 16 and 20) to improve the clarity of the claim. Original claim 5 used the phrase "said first predictor factor" to refer to a factor from a "predetermined set of predictive factors." This phrase did not have antecedent basis. In its Response to First Official Action dated November 19, 2002, Applicant attempted to correct this problem (even though the claim had not been rejected under Section 112(6)) by amending claim 5 to read "a first predictor factor" instead of "said first predictor factor." The Applicant should have, at that time, also changed the word "predictor" to "predictive" to clearly indicate that the factor is from the "predetermined set of predictive factors." Instead, Applicant incorporated this clarification in the previously submitted version of claim 1.

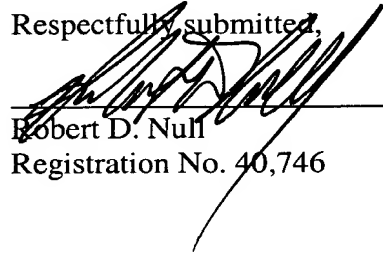
The fact that the original claim 5 (using "said first predictor factor") was not rejected as unclear indicates that the Examiner understood the claim referred to a factor of the "set of predictive factors" recited in claim 1. Moreover, the set of predictive factors are the only "factors" recited in the claims. Since Applicant originally used the word "said" in conjunction with the word "factor," it is clear Applicant was referring to subject matter previously introduced in the claim (i.e., predictive factors). Applicant's amendment of claim 5 to recite "a first predictor factor" resulted from Applicant's realization that a "first" factor

had not yet been introduced in the claim. Finally, Applicant's May 14, 2003 amendment of claim 1 merely corrected the adjective modifying the word "factor" to place the claim in the form that was clearly intended from the beginning of prosecution. This, Applicant respectfully submits, does not raise new issues that require further searching. Accordingly, Applicant respectfully requests that the Examiner reconsider the prior art rejection of claim 1 as indicated in the Interview Summary mailed April 14, 2003.

Applicant submits that the application is in condition for allowance. It is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course. If necessary, the Examiner is asked to call Applicants' attorney, Robert D. Null, at (317) 684-5122 to address any outstanding issues to expedite the prosecution of this application for all parties.

If necessary, Applicant requests that this Response be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicant requests that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account Number 02-3223.

Respectfully submitted,


Robert D. Null
Registration No. 40,746

2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5122
473464

ATTACHMENT A

1. (Amended) A method of managing healthcare services, comprising the steps of:

collecting information from an individual for a predetermined set of predictive factors;

assigning, based upon said information from said individual, a separate value to each predictive factor of said predetermined set of predictive factors;

generating, based upon a predetermined predictive model and said separate values assigned to said predetermined set of predictive factors [first predictive factor], a risk level of said individual utilizing healthcare services at a predetermined level within a prospective time span, wherein said assigning step comprises the steps of:

determining, based upon said information, whether a first predictive factor is indicative of a high risk of said individual utilizing said healthcare services at said predetermined level within said prospective time span;

assigning, based upon said information, a first dichotomous value to said separate value for said first predictive factor if said determining step determines that said first predictive factor is indicative of said high risk of said individual utilizing said healthcare services at said predetermined level within said prospective time span; and

assigning, based upon said information, a second dichotomous value to said separate value for said first predictive factor if said determining step determines that said first predictive factor is not indicative of said high risk of said individual utilizing said healthcare services at said predetermined level within said prospective time span.